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HOUSE BILL 901

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Henry 'Kiki' Saavedra

FOR THE CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE SECOND, NINTH AND ELEVENTH JUDICIAL DISTRICTS AND IN THE BERNALILLO COUNTY METROPOLITAN COURT; CREATING ADDITIONAL MAGISTRATES IN SAN JUAN, SANDOVAL AND SANTA FE COUNTIES; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 34-6-5 NMSA 1978 (being Laws 1968, Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall be [~~twenty-three~~] twenty-four district judges in the second judicial district."

Section 2. Section 34-6-12 NMSA 1978 (being Laws 1968, Chapter 69, Section 15, as amended) is amended to read:

"34-6-12. JUDGES--NINTH JUDICIAL DISTRICT.--There shall

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1 be [~~three~~] four district judges in the ninth judicial district.
2 The judge of division three shall reside in Curry or Roosevelt
3 county and maintain [~~his~~] a principal office in Roosevelt
4 county. As used in this section, "maintain [~~his~~] a principal
5 office" means holding court or being available to hold court no
6 less than one hundred forty days during each calendar year."

7 Section 3. Section 34-6-14 NMSA 1978 (being Laws 1968,
8 Chapter 69, Section 17, as amended by Laws 1995, Chapter 178,
9 Section 3 and also by Laws 1995, Chapter 179, Section 1) is
10 amended to read:

11 "34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT.--There
12 shall be [~~six~~] seven district judges in the eleventh judicial
13 district. The judges of divisions one, three, four and six
14 shall reside and maintain their principal offices in San Juan
15 county. The judges of divisions two, [~~and~~] five and seven
16 shall reside and maintain their principal offices in McKinley
17 county."

18 Section 4. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,
19 Chapter 318, Section 2, as amended) is amended to read:

20 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF OFFICE
21 [~~ELECTION~~].--~~[A.]~~ The [~~elected~~] term of office for each judge
22 of the metropolitan court is four years.

23 ~~[B. Any person appointed to fill a vacancy on the~~
24 ~~metropolitan court after January 1, 1989 shall serve until the~~
25 ~~next general election. That person's successor shall be chosen~~

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1 ~~at that general election and shall hold the office until the~~
2 ~~general election four years later.~~

3 ~~C. Judges of the Bernalillo county metropolitan~~
4 ~~court for divisions thirteen, fourteen and fifteen shall be~~
5 ~~appointed and shall serve until the 1992 general election.~~
6 ~~Their successors shall be chosen at that general election and~~
7 ~~shall hold office until the general election four years later.~~
8 ~~Additional judges shall be appointed and elected pursuant to~~
9 ~~Article 6 of the constitution of New Mexico.~~

10 ~~D. A judge of the Bernalillo county metropolitan~~
11 ~~court for division sixteen shall be appointed and shall serve~~
12 ~~until the 2000 general election. His successor shall be chosen~~
13 ~~at that general election and shall hold office until the~~
14 ~~general election four years later.] Judges shall be appointed,~~
15 ~~elected and retained in accordance with Article 6 of the~~
16 ~~constitution of New Mexico."~~

17 Section 5. Section 34-8A-8 NMSA 1978 (being Laws 1979,
18 Chapter 346, Section 8, as amended) is amended to read:

19 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

20 A. The name of the metropolitan court in the
21 Bernalillo metropolitan district shall be the "Bernalillo
22 county metropolitan court".

23 B. The metropolitan court is an agency of the
24 judicial department of state government. Personnel of the
25 metropolitan court are subject to all laws and regulations

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1 applicable to state officers and agencies and state officers
2 and employees, except where otherwise specifically provided by
3 law.

4 C. There shall be eighteen judges of the Bernalillo
5 county metropolitan court."

6 Section 6. Section 35-1-26 NMSA 1978 (being Laws 1968,
7 Chapter 62, Section 28) is amended to read:

8 "35-1-26. MAGISTRATE COURT--SANDOVAL DISTRICT.--There
9 shall be [~~two~~] three magistrates in Sandoval magistrate
10 district, [~~division~~] divisions 1 and 3 in Bernalillo and
11 division 2 in Cuba."

12 Section 7. Section 35-1-27 NMSA 1978 (being Laws 1968,
13 Chapter 62, Section 29, as amended) is amended to read:

14 "35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT ELECTION
15 DIVISION PRECINCTS.--

16 A. There shall be [~~four~~] five magistrate divisions
17 in San Juan magistrate district, each division having its own
18 magistrate. Divisions 1 and 4 shall operate as a single court
19 in Aztec and divisions 2, [~~and~~] 3 and 5 shall operate as a
20 single court in Farmington.

21 B. Magistrate judges shall not be elected at large
22 from the district, but shall be elected by the voters of the
23 division for which the magistrate sits. Magistrate judges may
24 reside anywhere within the magistrate district and shall have
25 district-wide jurisdiction. The composition of the divisions

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1 for elections purposes is:

2 (1) division 1 is composed of San Juan county
3 precincts [~~47, 59 through 70 and 72 through 76~~] 60 through 69
4 and 72 through 76;

5 (2) division 2 is composed of San Juan county
6 precincts [~~2 through 4, 8 through 14, 18, 28 through 31 and 82~~]
7 2 through 4, 8 through 14, 18, 19 and 82;

8 (3) division 3 is composed of San Juan county
9 precincts [~~20 through 27, 40 through 46, 49, 51, 52 and 54~~;
10 ~~and~~] 20, 22 through 25, 27, 30, 40 through 44, 46, 47 and 49;

11 (4) division 4 is composed of San Juan county
12 precincts [~~1, 5 through 7, 15, 16, 19, 53, 55 through 58, 71,~~
13 ~~79, 81 and 83 through 86~~] 1, 5 through 7, 15, 16, 53, 57, 58,
14 71, 79, 81 and 83 through 86; and

15 (5) division 5 is composed of San Juan county
16 precincts 21, 26, 28, 29, 31, 45, 51, 52, 54 through 56, 59 and
17 70."

18 Section 8. Section 35-1-29 NMSA 1978 (being Laws 1968,
19 Chapter 62, Section 31, as amended) is amended to read:

20 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There
21 shall be [~~three~~] four magistrates in the Santa Fe magistrate
22 district, divisions 1, 2, [~~and~~] 3 and 4 operating as a single
23 court in Santa Fe; however, one magistrate shall ride circuit
24 to Pojoaque on a regularly scheduled basis."

25 Section 9. TEMPORARY PROVISION--DISTRICT AND METROPOLITAN

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1 JUDGES--APPOINTMENTS.--The additional district and metropolitan
2 judgeships provided for in this 2005 act shall be filled by
3 appointment by the governor pursuant to the provisions of
4 Article 6 of the constitution of New Mexico.

5 Section 10. TEMPORARY PROVISION--MAGISTRATE COURT--
6 APPOINTMENTS AND ELECTION.--The offices of magistrate in San
7 Juan division 5, Sandoval division 3 and Santa Fe division 4
8 shall be filled by appointments by the governor to begin
9 serving on July 1, 2005. The appointed magistrates shall serve
10 until succeeded by magistrates elected at the general election
11 in 2006. The first full term of office of the elected
12 magistrates shall begin on January 1, 2007.

13 Section 11. APPROPRIATIONS.--

14 A. The following amounts are appropriated from the
15 general fund to the following agencies for expenditure in
16 fiscal year 2006 for the following purposes:

17 (1) three hundred twelve thousand four hundred
18 twenty-nine dollars (\$312,429) to the second judicial district
19 for salaries and benefits and furniture, supplies and equipment
20 for one additional district judge and support staff;

21 (2) three hundred twelve thousand four hundred
22 twenty-nine dollars (\$312,429) to the ninth judicial district
23 for salaries and benefits and furniture, supplies and equipment
24 for one additional district judge and support staff;

25 (3) three hundred twelve thousand four hundred

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1 twenty-nine dollars (\$312,429) to the eleventh judicial
2 district for salaries and benefits and furniture, supplies and
3 equipment for one additional district judge and support staff;

4 (4) five hundred eighty-four thousand three
5 hundred ninety dollars (\$584,390) to the Bernalillo county
6 metropolitan court for salaries and benefits and furniture,
7 supplies and equipment for two additional judges and support
8 staff;

9 (5) one hundred six thousand two hundred
10 sixty-nine dollars (\$106,269) to the administrative office of
11 the courts for salary and benefits and furniture, equipment and
12 supplies for one additional magistrate judge in the San Juan
13 magistrate district;

14 (6) one hundred six thousand two hundred
15 sixty-nine dollars (\$106,269) to the administrative office of
16 the courts for salary and benefits and furniture, equipment and
17 supplies for one additional magistrate judge in the Sandoval
18 magistrate district; and

19 (7) one hundred six thousand two hundred
20 sixty-nine dollars (\$106,269) to the administrative office of
21 the courts for salary and benefits and furniture, equipment and
22 supplies for one additional magistrate judge in the Santa Fe
23 magistrate district.

24 B. Any unexpended or unencumbered balance remaining
25 at the end of fiscal year 2006 shall revert to the general

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1 fund.

2 Section 12. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2005.

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